IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.563 OF 2007

SHRI RAJENDRA SHUKLA ... PETITIONER.

VS.

M/S. VENKATATESHWAR KNITTING

& SPINNING INDUSTRIES LTD. ... RESPONDENTS.

MS. S.S.PATHAK FOR THE PETITIONER.

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CORAM : A.P. DESHPANDE, J.

DATE : January 23, 2007.

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P.C.

1. The present petitioner who is an employee, was working with the Respondent -Company. On closure of the business, the petitioner has been terminated from service. The petitioner moved the Industrial Court by filing a complaint. The respondent was proceeded against, ex parte and an Award came to be passed, by an ex parte Order and the complaint came to be allowed.

2. The respondent moved an application for setting aside ex parte judgment and order by contending that the respondent was proceeded ex parte in view of the absence of the advocates appearing for them, having withdrawn their appearance, without any intimation to the respondent. The Industrial Court after examining the issue, in the light of the material available on record, has held that there was sufficient cause for the respondent not to have contested the complaint, having further recorded the finding that very many trifle issues arise for considersation has resotred the matter, with a view to adjudicate the same on merit, by granting an opportunity to the respondent to participate in the proceeding. It is this Order passed by the Industrial Court, that is challenged by filing the present petition.

3. Before the Industrial Court, the present petitioner did not seriously contest the application for restoration and has contended that the respondent be saddled with costs, if the application is to be allowed. It does appear that as the application was not seriously opposed or challenged. The Industrial Court allowed the same to meet ends of justice, subject to payment of cost of Rs. 1500/-, The impugned Order is passed with a view to achieve full and final decision on merit, by granting an opportunity to the respondent, in peculiar facts of the case. Hence, no

interference is called for and the petition deserves to be dismissed summarily. Consequently,the petition stands summarily dismissed.

4. At this stage, the learned Counsel for the Petitioner seeks indulgence of this Court, by submitting that the complaint is pending since 1997 and hence, the Industrial Court need to decide the same as expeditiously as possible. Though the Industrial Court has allowed the application, filed by the respondent, with a view to grant the respondent a chance to contest the matter on merit, the ends of justice demand an expeditious disposal of the complaint, pending since 1997, filed by the employee. I hope and trust that the Industrial Court will decide the complaint as expeditiously as possible, preferably within a period of four months from today.

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[A.P.DESHPANDE, J.]